

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:21-cv-00315-MR**

CALVIN JEROME WOMIC, JR.,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
FNU CORTEZ,)	
)	
Defendant.)	
_____)	

THIS MATTER is before the Court on Plaintiff's "Motion Serve Discover Requests & Requests for Production of Documents." [Doc. 30].

Pro se Plaintiff Calvin Jerome Womic, Jr., ("Plaintiff") is a prisoner of the State of North Carolina, currently incarcerated at Foothills Correctional Institution in Morganton, North Carolina. He filed this action on July 1, 2021. [Doc. 1]. The Clerk promptly mailed Plaintiff an Order of Instructions, advising Plaintiff, among other things, that the parties "shall not file any ... discovery requests ... unless ... directed to do so by the Court" pursuant to Local Rule 26.2. [Doc. 3 at ¶ 7]. Plaintiff's Complaint survived initial review in accordance with the Court's Order. [Doc. 9]. Defendant Cortez answered Plaintiff's Complaint [Doc. 27] and the Court entered a Pretrial Order and Case Management Plan (PTOCMP) on March 16, 2022 [Doc. 28].

Plaintiff has now filed the pending “motion,” in which he purports to serve the enumerated discovery requests on Defendant. [Doc. 30]. This filing is completely improper and will be stricken from the record in this matter. As Plaintiff was expressly advised in the Order of Instructions, discovery requests are not filed with the Court. They should only be served on the opposing party. Moreover, a pro se plaintiff cannot serve documents on an opposing party by filing them with the Court.

Plaintiff is cautioned to review the Order of Instructions, the Local Rules of this Court, and the Federal Rules of Civil Procedure before filing documents with this Court. Any future improper filings may be summarily dismissed and/or stricken from the record.

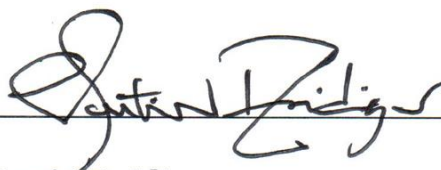
ORDER

IT IS, THEREFORE, ORDERED that Plaintiff’s “Motion” [Doc. 30] is **STRICKEN** from the record in this matter.

The Clerk is respectfully instructed to terminate Docket No. 30 as a motion.

IT IS SO ORDERED.

Signed: April 11, 2022



Martin Reidinger
Chief United States District Judge

